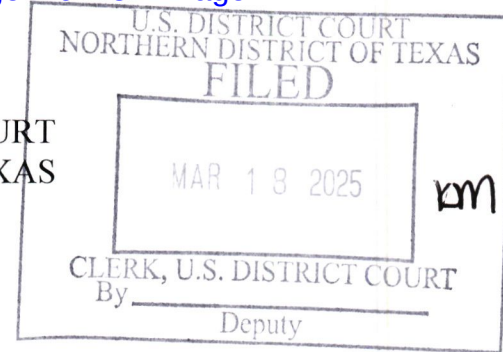


ORIGINAL

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

NO.

v.

OSCAR GUADALUPE CRUZ GONZALEZ (01)
and
JOSE JUAN FLORES (02)

3-25CR-117 B
FILED UNDER SEAL

INDICTMENT

The United States Grand Jury charges:

At all times material to this Indictment:

General Allegations

1. Firearms Dealer 1 was located in Fort Worth, Texas, which is located in the Northern District of Texas. Firearms Dealer 1 was a licensed firearms dealer within the meaning of Chapter 44 of Title 18, United States Code, at all times specified in this Indictment.

2. Firearms Dealer 2 was located in Farmers Branch, Texas, which is located in the Northern District of Texas. Firearms Dealer 2 was a licensed firearms dealer within the meaning of Chapter 44 of Title 18, United States Code, at all times specified in this Indictment.

3. A Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") Form 4473, Firearms Transaction Record, must be completed by a prospective purchaser of a firearm to affect the sale of a firearm from a licensed firearms dealer. Specifically, Question 21.a. requires the prospective purchaser to certify—under penalty of law—that

he or she is “the actual transferee/buyer of the firearm(s) listed on this form,” which is a fact material to the lawfulness of the firearm sale.

4. A Fabrique National (“FN”), Model M249S rifle was a semi-automatic and gas-operated firearm that commonly chambers 5.56x45mm ammunition that had the ability to be belt-fed ammunition. FN Model M249S rifle was manufactured outside the state of Texas.

5. Ohio Ordnance Works, Inc., (“Ohio Ordnance”) Model M240-SLR, 7.62 caliber rifle was a semi-automatic and gas-operated firearm that chambers 7.62x51mm NATO ammunition that had the ability to be belt-fed ammunition. Ohio Ordnance Model M240-SLR rifle was manufactured outside the state of Texas.

Defendants

6. Defendant **Oscar Guadalupe Cruz Gonzalez** was born in Guadalajara, Mexico and a citizen of Mexico. On or about December 2, 2012, defendant **Cruz Gonzalez** submitted and caused to be submitted an application for “Consideration of Deferred Action for Childhood Arrivals,” Form I-821D, commonly referred to as “DACA.” Under DACA, undocumented immigrants who were brought to the United States as children were permitted to submit an application, which if granted provided the applicant with authorization to remain in the United States for two years, and work authorization. Under DACA, an applicant was required to seek a renewal every two years. On or about July 8, 2013, **Cruz Gonzalez’s** DACA application was granted which provided him with authorization to remain in the United States for two years, and work authorization. Thereafter, every two years **Cruz Gonzalez** submitted Form I-821Ds to

renew his DACA status. That is, on or about April 29, 2015, March 29, 2017, and April 29, 2019, **Cruz Gonzalez** submitted and caused to be submitted Form I-821Ds that were granted. But **Cruz Gonzalez** has not submitted an application to renew his DACA status since April 29, 2019, which DACA renewal expired on or about July 15, 2021. As a result, **Cruz Gonzalez** was illegally and unlawfully in the United States if present in the United States after July 15, 2021.

7. Defendant **Jose Juan Flores** was a United States citizen who resided in Fort Worth, Texas.

Count One

Conspiracy to Make False Statement to a Licensed Firearms Dealer
[Violation of 18 U.S.C. § 371 (18 U.S.C. §§ 922(a)(6) and 924(a)(2)]

8. Paragraphs 1 through 7 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

9. Beginning on or about January 1, 2023, through on or about March 15, 2023, in the Northern District of Texas and elsewhere, defendants, **Oscar Guadalupe Cruz Gonzalez** and **Jose Juan Flores**, did knowingly and willfully combine, conspire, confederate, and agree together, and with others known and unknown to the Grand Jury, to commit an offense against the United States, that is, acquiring a firearm from a licensed firearms dealer by false and fictitious statement, in violation of 18 U.S.C. § 922(a)(6) and 924(a)(2).

Purpose of the Conspiracy

10. The purpose of the conspiracy was for: (a) defendant **Jose Juan Flores** and others to make unlawful firearms purchases; (b) defendant **Jose Juan Flores** and others to transfer the purchased firearms to defendant **Oscar Guadalupe Cruz Gonzalez** and others; and (c) enrich defendants **Oscar Guadalupe Cruz Gonzalez** and **Jose Juan Flores**.

Overt Acts in Furtherance of the Conspiracy

11. On or about January 21, 2023, defendant **Oscar Guadalupe Cruz Gonzalez** paid defendant **Jose Juan Flores** approximately \$1,000 for **Flores** to purchase a firearm for him, which was in addition to the money needed for the firearm's purchase.

12. On or about January 21, 2023, defendant **Jose Juan Flores** traveled to Firearms Dealer 1 for the purpose of purchasing a firearm for defendant **Oscar Guadalupe Cruz Gonzalez**.

13. On or about January 21, 2023, defendant **Jose Juan Flores** completed an ATF Form 4473 to purchase the FN, Model M249S rifle, bearing serial number M249SA06124. On the Form 4473, **Flores** represented that he was the actual transferee/buyer of the firearm.

14. On or about January 21, 2023, defendant **Jose Juan Flores** provided a total of approximately \$10,610 to purchase the FN, Model M249S rifle, bearing serial number M249SA06124. **Flores's** purchase of the firearm was initially delayed by the National Instant Criminal Background Check System ("NICS").

15. On or about January 23, 2023, Firearms Dealer 1 received a proceed from NICS for defendant **Jose Juan Flores's** purchase, and thereafter Firearms Dealer 1 notified **Flores**.

16. On or about January 25, 2023, defendant **Jose Juan Flores** traveled to Firearms Dealer 1 and the FN, Model M249S rifle, bearing serial number M249SA06124 was transferred to **Flores**.

17. On or about January 25, 2023, defendant **Jose Juan Flores** provided the FN, Model M249S rifle, bearing serial number M249SA06124 to defendant **Oscar Guadalupe Cruz Gonzalez**.

18. On or about March 14, 2023, defendant **Oscar Guadalupe Cruz Gonzalez** provided money to defendant **Jose Juan Flores** to purchase another firearm for him, and

paid **Flores** approximately \$1,500 to make the purchase, which was in addition to the money needed for the firearm's purchase.

19. On or about March 14, 2023, defendant **Jose Juan Flores** and a female traveled to Firearms Dealer 2 for the purpose of purchasing a firearm for defendant **Oscar Guadalupe Cruz Gonzalez**.

20. On or about March 14, 2023, defendant **Jose Juan Flores** asked personnel at Firearms Dealer 2 to purchase an FN Model M249 type rifle. Personnel at Firearms Dealer 2 informed **Flores** that none were available.

21. Thereafter, defendant **Jose Juan Flores** asked Firearms Dealer 2 personnel to purchase an Ohio Ordnance Model M240-SLR, 7.62 caliber rifle.

22. Defendant **Jose Juan Flores** then completed an ATF Form 4473 to purchase an Ohio Ordnance Model M240-SLR, 7.62 caliber rifle, bearing serial number 240953. On the Form 4473, **Flores** represented that he was the actual transferee/buyer of the firearm.

23. On or about March 14, 2023, defendant **Jose Juan Flores's** provided a total of approximately \$15,154.99 to purchase the Ohio Ordnance Model M240-SLR, 7.62 caliber rifle, bearing serial number 240953.

24. On or about March 15, 2023, Firearms Dealer 2 notified defendant **Jose Juan Flores** that the purchase could proceed.

25. On or about March 15, 2023, defendant **Jose Juan Flores** traveled to Firearms Dealer 2 and the Ohio Ordnance Model M240-SLR, 7.62 caliber rifle, bearing serial number 240953 was transferred to **Flores**.

26. On or about March 15, 2023, defendant **Oscar Guadalupe Cruz Gonzalez** traveled to a parking lot in Fort Worth, Texas to meet defendant **Jose Juan Flores** to take possession of the Ohio Ordnance Model M240-SLR, 7.62 caliber rifle bearing serial number 240953.

All in violation of 18 U.S.C. § 371 (18 U.S.C. §§ 922(a)(6) and 924(a)(2)).

Count Two

Acquiring a Firearm from a Licensed Firearms Dealer
by False or Fictitious Statement; Aiding and Abetting
[Violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2); 18 U.S.C. § 2]

27. Paragraphs 1 through 7 and 11 through 17 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

28. On or about January 23, 2023, in the Northern District of Texas, defendants **Jose Juan Flores** and **Oscar Guadalupe Cruz Gonzalez**, aiding and abetting one another, in connection with the acquisition of a firearm, to wit: an FN, Model M249S rifle, bearing serial number M249SA06124, from Firearms Dealer 1, a licensed dealer of firearms within the meaning of Chapter 44 of Title 18, United States Code, knowingly made a false and fictitious written statement to Firearms Dealer 1, which statement was intended and likely to deceive Firearms Dealer 1, as to a fact material to the lawfulness of such sale of said firearm to **Jose Juan Flores** under Chapter 44 of Title 18, in that **Jose Juan Flores** did execute an ATF Form 4473, Firearms Transaction Record, to the effect that he was the actual transferee/buyer of the firearm, when in fact, as **Jose Juan Flores** then knew, **Oscar Guadalupe Cruz Gonzalez** was the actual transferee/buyer of the firearm.

All in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2); and 18 U.S.C. § 2.

Count Three

Possession of a Firearm by an Illegal Alien
[Violation of 18 U.S.C. §§ 922(g)(5) and 924(a)(8)]

29. Paragraphs 1 through 7 and 11 through 17 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

30. On or about January 25, 2023, in the Northern District of Texas, defendant **Oscar Guadalupe Cruz Gonzalez**, knowing he was then an alien illegally and unlawfully in the United States, did knowingly possess, in and affecting interstate and foreign commerce, a firearm, to wit: an FN, Model M249S rifle, bearing serial number M249SA06124.

In violation of 18 U.S.C. §§ 922(g)(5) and 924(a)(8).

Count Four

Acquiring a Firearm from a Licensed Firearms Dealer
by False or Fictitious Statement; Aiding and Abetting
[Violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2); 18 U.S.C. § 2]

31. Paragraphs 1 through 7 and 18 through 26 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

32. On or about March 14, 2023, in the Northern District of Texas, defendant **Jose Juan Flores** and **Oscar Guadalupe Cruz Gonzalez**, aiding and abetting one another, in connection with the acquisition of a firearm, to wit: an Ohio Ordnance Model M240-SLR, 7.62 caliber rifle bearing serial number 240953, from Firearms Dealer 2, a licensed dealer of firearms within the meaning of Chapter 44 of Title 18 United States Code, knowingly made a false and fictitious written statement to Firearms Dealer 2, which statement was intended and likely to deceive Firearms Dealer 2, as to a fact material to the lawfulness of such sale of said firearm to **Jose Juan Flores** under Chapter 44 of Title 18, in that **Jose Juan Flores** did execute an ATF Form 4473, Firearms Transaction Record, to the effect that he was the actual transferee/buyer of the firearm, when in fact, as **Jose Juan Flores** then knew, **Oscar Guadalupe Cruz Gonzalez** was the actual transferee/buyer of the firearm.

All in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2); and 18 U.S.C. § 2.

Forfeiture Notice
[18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

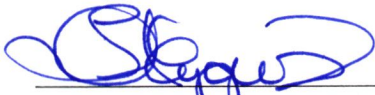
33. Upon conviction for any offense alleged in Counts Two through Four of this Indictment and pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), defendants **Oscar Guadalupe Cruz Gonzalez** and **Jose Juan Flores** shall forfeit to the United States of America any firearm or ammunition involved in or used in the offense. This property includes, but is not limited to the following:

- a. Ohio Ordnance Model M240-SLR, 7.62 caliber rifle, bearing serial number 240953, and any ammunition, magazines, and parts recovered with the firearm.

A TRUE BILL


FOREPERSON

CHAD E. MEACHAM
ACTING UNITED STATES ATTORNEY



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

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and
JOSE JUAN FLORES (02)

SEALED INDICTMENT

18 U.S.C. § 371 (18 U.S.C. §§ 922(a)(6) and 924(a)(2)
Conspiracy to Make False Statement to a Licensed Firearms Dealer
(Count 1)

18 U.S.C. §§ 922(a)(6) and 924(a)(2); 18 U.S.C. § 2
Acquiring a Firearm from a Licensed Firearms Dealer by False or Fictitious Statement;
Aiding and Abetting
(Count 2)

18 U.S.C. §§ 922(g)(5) and 924(a)(8)
Possession of a Firearm by an Illegal Alien
(Count 3)

18 U.S.C. §§ 922(a)(6) and 924(a)(2); 18 U.S.C. § 2
Acquiring a Firearm from a Licensed Firearms Dealer by False or Fictitious Statement;
Aiding and Abetting
(Count 4)

18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)
Forfeiture Notice

4 Counts

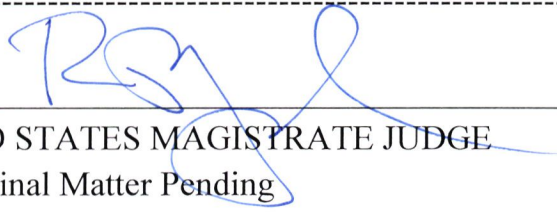
A true bill rendered

DALLAS


FOREPERSON

Filed in open court this 18 day of March, 2025.

Warrant to be Issued


UNITED STATES MAGISTRATE JUDGE
No Criminal Matter Pending